

Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

2010/0255(COD) - 23/09/2010 - Legislative proposal

PURPOSE: to extend the application of Regulation (EC) No 1288/2009 until 1 January 2013.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASE: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: in June 2008, the Commission made a proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. The proposal was intended to replace Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and certain transitional technical measures as laid down in Annex III to Council Regulation (EC) No 43/2009 establishing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks.

The proposed Council Regulation was not adopted before the date on which the measures provided for in Annex III to Regulation (EC) No 43/2009 ceased to apply. For reasons of legal certainty and in order to maintain the proper conservation and management of marine resources, [Council Regulation \(EC\) No 1288/2009](#) establishing transitional technical measures from 1 January 2010 to 30 June 2011 was adopted, providing for the continuation of temporary technical measures catered for in Annex III to Regulation (EC) No 43/2009 for a transitional period of 18 months.

In view of the new requirements of the Lisbon Treaty, the Commission withdrew in 2010 the proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. Basic principles on technical measures will be considered by the new basic regulation for the ongoing reform of the common fisheries policy, for which a proposal is envisaged during the third quarter of 2011.

Regulation (EC) No 1288/2009 will expire on 30 June 2011. Given the fact that there is no current legal act that could provide for permanent technical measures, and in order to ensure legal certainty and the conservation of marine resources, **it is appropriate to extend the validity of the regulation for another 18 months, until 1 January 2013.**

FINANCIAL IMPLICATIONS: the proposal has no financial implications for the budget of the European Union.